

Land Development Code Improvement Committee Main Committee Meeting



Louisville Metro Planning & Design Services

April 8, 2014

LDC Improvement Committee

AGENDA

1. INTRODUCTIONS/ANNOUNCEMENTS
2. LANDSCAPING SUB-COMMITTEE RECOMMENDATIONS
ITEMS #4-18, 3, 21, 24, 25, 35-37, 48 & 58
3. TRANSPORTATION SUB-COMMITTEE RECOMMENDATIONS
ITEM #2 (AND FORM DISTRICT ITEM #7)
4. NEXT SCHEDULED COMMITTEE MEETING
TUESDAY, APRIL 22, 2014
3:00 - 5:00 PM
METRO DEVELOPMENT CENTER
444 SOUTH FIFTH STREET
FIRST FLOOR CONFERENCE ROOM

Landscaping Sub-committee Report

- This sub-committee was charged with reviewing Chapter 10 of the Land Development Code (LDC) (Tree Canopy, Landscape Design, Parkways, Open Space, Implementation)
- Objective of making suggestions to improve various regulations and policies related to landscaping issues
- Met 27 times between June 7, 2012 and December 9, 2013
- 59 recommendations listed in this report are the result of the efforts of this sub-committee based upon discussion and research completed by the Committee.
- Presentation of these items to the LDC Main Committee will follow the order below.
 - 1. Section 10.5 Open Space Standards (Item #59; Page 34)
 - 2. Section 10.4 Implementation Standards (Items #45-58; Page 28)
 - 3. Section 10.3 Parkway and Scenic Corridor Development Standards (Items #39-44; Page 23)
 - 4. Section 10.2 Landscape Design (Items #19-38; Page 12)
 - 5. Section 10.1 Tree Canopy (Items #1-18; Page 2)

Landscaping Sub-committee Report

CHAPTER 10 PART 1 TREE CANOPY REGULATIONS (ITEMS #1-18)

▪ ITEM #4 - Tree Canopy Standards

- A statement is added below to clarify which types of tree protection areas may count toward the required tree canopy requirements.
- **Section 10.1.4 Tree Canopy Standards**
 - A. The tree canopy on a development site shall meet the applicable standards according to the site's form district, proposed land use and the amount of tree preservation, as set forth in Tables 10.1.1 and 10.1.2, below. (Percentages refer to the relation of tree canopy to gross site area in square feet.)
 - B. Tree Canopy Credit Areas (TCCA) and Woodland Preserved Areas (WPA) can be used to satisfy tree canopy requirements while Temporary Tree Protection Areas (TTPA) may not be used to satisfy tree canopy requirements.

▪ ITEM #5 - Tree Canopy Category Table

- The following change is proposed to Table 10.1.1:
 - 1. Move Town Center Form District from suburban to traditional column.
- The following ideas were discussed, but did not reach a consensus in the sub-committee and are not official recommendations, but the main committee certainly may discuss them:
 - 1. Move Traditional Marketplace Corridor, Traditional Workplace, and Town Center to Traditional Neighborhood column.
 - 2. Change class A for commercial and industrial to B in Traditional Neighborhood column.
 - 3. Change suburban industrial from class C back to a class B in column 3.

Landscaping Sub-committee Report

CHAPTER 10 PART 1 TREE CANOPY REGULATIONS (ITEMS #1-18)

▪ ITEM #6 - Minimum Tree Canopy Coverage Table

- Some of the group wanted the class C breakdown in Table 10.1.2 to be removed but the percentages increased while others wanted incentives (i.e., height or density) provided for each class when you exceed % requirements through preservation of existing tree canopy. Consensus was not reached on these ideas so there is no official recommendation regarding any changes to Table 10.1.2, however, the main committee may discuss ideas for changes to the table if they decide to.

▪ ITEM #7 - Tree Canopy Reductions

- Some of the group wants to eliminate this tree canopy reduction section altogether (10.1.4), but consensus was not reached among the sub-committee members on this idea. The main committee may debate this if they wish to.

▪ ITEM #8 - Remove Unnecessary Statement? (Sec. 10.1.4.C)

- Some of the group felt that the text stated the obvious and is unnecessary unless provisions are included that incentivize preserving a greater percentage than required, but consensus was not reached and there is no official recommendation from the sub-committee on this issue. The main committee may discuss this idea if they choose to do so.

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CHAPTER 10 PART 1 TREE CANOPY REGULATIONS (ITEMS #1-18)

▪ ITEM #9 - Add Cross-reference

- Add reference to LDC section number related to this statement.
- Section 10.1.4
 - D. As required by Section 10.4.13 any tree preserved or planted to meet the minimum requirements of this Part shall be maintained in healthy condition and shall be replaced if it becomes diseased or dies.

▪ ITEM #10 - Add Clarifying Language

- A change below is proposed to clarify that the Planning Director is the person being referenced in this section.
- *Note: Some in the sub-committee thought this section should be removed because it is unnecessary because of language in section D (shown above in Item #9) and creates added burden and expense, but consensus was not reached on this concern and there is no recommended change pertaining to this.*
- Section 10.1.4
 - E. The Planning Director may require that any trees and/or tree stands preserved to meet the requirements of this Part be inspected and found to be healthy and free of disease by a certified arborist or registered landscape architect if, upon inspection of the site, he/she the Planning Director or his/her designee sees evidence that indicates that some or all of said trees may be unhealthy and may not be appropriate for preservation.

Landscaping Sub-committee Report

CHAPTER 10 PART 1 TREE CANOPY REGULATIONS (ITEMS #1-18)

- ITEM #11 - Tree Canopy Coverage Ground Checking, New Dripline Option
- A new optional method to determine tree canopy coverage area has been added.
- **Section 10.1.5 Calculation**
 - Any development site greater than two acres in size shall be permitted to determine the area of existing tree canopy coverage to be preserved by ground checking, aerial analysis, or any other method determined to be accurate by DPDS staff. If ground checking is utilized, credit for existing trees intended to be retained may be calculated in either of two ways: 1) Measurement of the trunk of ~~then~~ each individual tree (i.e. a tree not grouped with other trees or a part of a tree stand) ~~intended to be retained and used to meet the tree canopy requirements herein shall be measured to determine its caliper and the credit given for that tree shall be in accordance with Table 10.1.3, below;~~ or 2) The dripline may be plotted on the site plan and tree canopy credit given for the square footage of the site within the dripline.

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CHAPTER 10 PART 1 TREE CANOPY REGULATIONS (ITEMS #1-18)

- ITEM #12 - Tree Canopy Calculation, Change Percentage to Square Footage
- Change the reference to percentage below to square footage.
- **Section 10.1.5 Calculation**
 - For any development site two acres or less in size the area of tree canopy coverage for any group of trees to be retained in order to meet the tree canopy requirements of this Part shall be determined by ground checking. Credit for existing trees intended to be retained may be calculated in either of two ways:
 1. Measurement of the trunk to determine its caliper and the credit given for that tree shall be in accordance with Table 10.1.3, below; or
 2. The dripline may be plotted on the site plan and tree canopy credit given for the percentage square footage of the site within the dripline.

Landscaping Sub-committee Report

CHAPTER 10 PART 1 TREE CANOPY REGULATIONS (ITEMS #1-18)

▪ ITEM #13 - Deciduous & Evergreen Tree Canopy Credit Tables

- The following changes are proposed to Table 10.1.3 & 10.1.4:
 1. A note referencing other reputable tree information sources has been added below Table 10.1.3.
 2. A note related to ground checking for mature trees has been added below Table 10.1.3.
 3. The sub-committee recommends the elimination of the Evergreen Tree Canopy Credit Table (10.1.4). The group feels the numbers used in this chart are significantly exaggerated and it would be more appropriate to use a reputable tree information source to determine this information. A note has been added below Table 10.1.3 that reflects this change.

▪ ITEM #14 - Tree Preservation Plan Requirement Section

- The following changes are proposed to Section 10.1.6 Tree Pres. Plan Requirements:
 1. Change Preservation to Protection in title.
 2. Rename Tree Canopy Protection Areas (TCPA) as Tree Canopy Credit Areas (TCCA) throughout LDC.
 3. Rename Tree Preservation Areas (TPA) as Temporary Tree Protection Areas (TTPA) throughout LDC.
 4. Rename Woodland Protection Areas (WPA) as Woodland Preserved Areas (WPA) throughout LDC.
 5. Change language in section A below to be consistent with Chapter 10 Part 4.
 6. The tree inventory is no longer required.
 7. Remove Section A.2.
 8. Add new Section A.2.

Landscaping Sub-committee Report

CHAPTER 10 PART 1 TREE CANOPY REGULATIONS (ITEMS #1-18)

- **ITEM #15 - Standards for Tree Canopy Protection Areas**
- The following changes are proposed to Section 10.1.6:
 1. Change Tree Canopy Preservation Areas to Tree Canopy Credit Areas
 2. Reference added clarifying that underbrush is permitted to be removed within a TCCA.
- *Two options for changes to Section 10.1.6.B.9 (see report) were discussed by the sub-committee and both options are presented in the staff report on page 10 for the main committee to consider.*
- **ITEM #16 - Tree Canopy Credit Area Exceptions**
- The following changes are proposed to the Section 10.1.6:
 1. Change Tree Canopy Preservation Areas to Tree Canopy Credit Areas
 2. A change is proposed to paragraph C.4 regarding cutting and filling around trees.
- *Regarding paragraph C.3, some sub-committee members wanted the entire paragraph removed, while others want it to remain, but change the reference to grade changes from six inches to two inches. No consensus was reached.*

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CHAPTER 10 PART 1 TREE CANOPY REGULATIONS (ITEMS #1-18)

- **ITEM #17 - Percent Change in TCPA (TCCA)**
- Two proposed changes to Section 10.1.6.D emerged from the sub-committee. Both options are listed in the staff report and may be considered by the main committee. The main difference in the two options is the first option requires a change of less than 20% to be approved by PDS staff, while the second option automatically allows a change of less than 20% without any special approval required. Both options require Planning Commission approval for a greater than 20% change.

- **ITEM #18 - Tree Canopy Waivers**
- The sub-committee members have differing opinions about allowing waiver requests of tree canopy requirements. Some members want this entire section (10.1.8) removed, while other members want it to remain with modifications. No consensus was reached on any single change to this section, but the main committee may certainly consider making changes to it if desired.

Landscaping Sub-committee Report

CHAPTER 10 PART 1 TREE CANOPY REGULATIONS (ITEMS #1-18)

▪ ITEM #3 - Tree Canopy Compliance Options

- The following changes are proposed to Section 10.1.3:
 1. Change the title from Alternatives of Compliance to Methods of Compliance.
 2. Allow Planning Commission staff to approve an alternative planting site, rather the Planning Commission, unless criteria cannot be met.
 3. A new fee in lieu option has been added.
- *The group also discussed adding something about having the applicant be accountable for the trees for a minimum of 3 years. This was mentioned for enforcement purposes to ensure the survivability and replacing of trees should they die. This concept was discussed, but no specific language has been proposed.*

GROUP APPROVED ITEMS 1-3 ABOVE ON 3/25/14, BUT TABLED CONSIDERATION OF THE MAINTENANCE RESPONSIBILITY TIMELINE ISSUE.

Landscaping Sub-committee Report

CHAPTER 10 PART 2 LANDSCAPING DESIGN (ITEMS #19-38)

- ITEM #21 - Property Perimeter LBA's Apply to Zoning Boundaries
- Correction to section below to indicate that property perimeter landscape buffer areas apply to differing zoning boundary lines rather than all property lines.
- Section 10.2.4 Property Perimeter Landscape Buffer Areas
 - A. General Requirements: Property Perimeter Landscape Buffer Areas shall be applied along all ~~property~~ zoning boundaries ~~of sites affected by this ordinance~~ except for those boundaries adjacent to streets. Property perimeter landscape buffer areas also apply to zoning boundary lines within a site.
- GROUP TABLED THIS ITEM ON 2/25/14

Landscaping Sub-committee Report

CHAPTER 10 PART 2 LANDSCAPING DESIGN (ITEMS #19-38)

- ITEM #24 - Sidewalks Encroaching into LBA's
 - The changes below are proposed to Section 10.2.4.B which allows sidewalks to encroach into landscape buffer areas, and there is a clarification added to the retaining wall note below.
- ITEM #25 - Utility Easement/ LBA Overlap Section
 - Changes to Section 10.2.4.B that allows utility easements and landscape buffer areas to overlap are proposed. The changes shown in the report will allow more than a 50% overlap in certain situations.
- **GROUP TABLED THESE ITEMS ON 2/25/14**

Landscaping Sub-committee Report

CHAPTER 10 PART 2 LANDSCAPING DESIGN (ITEMS #19-38)

- **ITEM #35 - Vehicle Use Area Perimeter Planting**
- The following changes are proposed to Section 10.2.11 VUA Perimeter Planting:
 1. Add reference to medium and small type trees in beginning paragraph.
 2. Replace “roadway” in Table 10.2.7 with “public right-of-way or named private way”.

TABLED ON 3/11/14 - REVISIT ROADWAY REFERENCE

- **ITEM #36 - Vehicular Use Area Interior Landscape Areas (VUA ILA's)**
- The following changes are proposed to the Section 10.2.12 VUA ILA's:
 1. Correct a number error in the VUA table.
 2. Increase minimum ILA size from 133 SF to 290 SF.
 3. Eliminate 120 foot spacing rule. Replace with 20 spaces.

APPROVED ON 3/11/14 - NEED TO REVISIT 20 SPACES DECISION

Landscaping Sub-committee Report

CHAPTER 10 PART 2 LANDSCAPING DESIGN (ITEMS #19-38)

- ITEM #37 - VUA ILA Planting Requirements (GMP additions)
- Two paragraphs below related to the green management practices proposal have been added to Section 10.2.13 VUA ILA Planting Requirements.
 - For sites utilizing bio-retention areas as ILA's, the required ILA trees may be relocated adjacent to an impervious surface on the site. However, the number of relocated ILA trees shall not exceed 25% (1 A/B type tree per every 4,000 sf) from what is required in this part. Plantings shall be per the MSD Green Management Practice Manual.
 - A 10% reduction in required parking is allowable if the VUA exceeds 6,000 Sq. Ft. and 25% of the required ILA is depressed bio-detention areas and is utilized for stormwater management. Depressed bio-retention areas can be used to meet the MSD Design Standards stormwater pretreatment requirements.

TABLED ON 3/11/14

Landscaping Sub-committee Report

CHAPTER 10 PART 4 IMPLEMENTATION STANDARDS (ITEMS #45-58)

- ITEM #48 - Tree Spacing
- The following changes are proposed to Section 10.4.4 Spacing:
 1. Spacing requirements for medium and large trees has been adjusted.
 2. Table 10.4.2 related to tree spacing adjacent to buildings has been eliminated and replaced with a statement that says PDS staff will determine this on a case by case basis.
 3. Small space planting reference has been eliminated.
 4. Figure 10.4.1 (not shown here) will be relocated within this section adjacent to sight triangle language.
 5. Changes were made to section on plantings near utilities and fireplugs to be consistent with utility agencies and fire department policies and regulations.
- **ITEM APPROVED ON 2/11/14, BUT WILL REVISIT ISSUE RELATED TO SCREENING NEAR FIRE HYDRANTS AFTER CONSULTATION WITH FIRE DEPT.**

Landscaping Sub-committee Report

CHAPTER 10 PART 4 IMPLEMENTATION STANDARDS (ITEMS #45-58)

- ITEM #58 - Appendix 10D - PDS Tree Preservation Policy
- The PDS Tree Preservation Policy Section found in Appendix 10D of the LDC has been updated to include terminology changes such as Tree Canopy Protection Area (TCPA) is now Tree Canopy Credit Area (TCCA), etc. Also, a few portions of Chapter 10 were relocated to this appendix.
- **GROUP DECIDED ON 1/21/14, TO REVISIT THIS ITEM AFTER ALL OF THE CHAPTER 10 REVISIONS HAVE BEEN DISCUSSED.**

Transportation Sub-committee Report

ITEM #2 - Form District Threshold Table Updates - Mobility Standards

- Each of the Form District threshold tables is recommended to be updated to account for the change to mobility standards
- Mobility standards threshold will be met and accounted for except in cases of accessory structure construction, new or expansion, expansion to the building footprint of an existing residential structure, construction of building footprint less than 3,000 square feet in Traditional and Suburban Workplace as well as Campus
- Construction of building footprint less than 1,000 square feet in Neighborhood, Suburban Marketplace Corridor and Regional Center
- Threshold tables would lower the square footage requirement from construction of building footprint less than 3,000 square feet to construction of building footprint less than 1,000 square feet in Neighborhood, Suburban Marketplace Corridor and Regional Center
- Mobility standards would be required to be followed at a lower threshold and give greater priority to mobility issues existing within Louisville Metro

Form Districts Sub-committee Report

ITEM #7 - Form District Threshold Tables

The sub-committee recommends the following changes to the format of Chapter 5 including the threshold tables:

1. Moving the contents of Parts 4, 5, 6 & 7 into each form district section rather than each Part having its own section within Chapter 5. No content changes associated with this change.
2. The following changes will be made to all applicable threshold tables. Traditional Neighborhood Form District threshold table shown on next slide as example.
 - a) Allowing a non-residential building footprint up to 2,000 SF (previously 1,000 SF) to be a Category 2A review.
 - b) 10-16 multi-family units can now be developed as a Category 2B plan. Previously 10 or more multi-family units was required to be a Category 3 plan.

Form Districts Sub-committee Report

ITEM #7 - Form District Threshold Tables (cont.)

TNFD Table 5.2.3 Thresholds	Part 4 Residential Site Design	Part 5 Non-Residential and Mixed-Use Site Design	Part 6 Building Design	Part 7 Transition	Part 8 Street and Road-side Design	Part 9 Transit and Connection	Part 10 Traffic Impacts	Part 11 Open Space	Part 12 Special Design Requirement
Category 2A									
Accessory Structure: New or Expansion (Residential)	X								
Accessory Structure: New or Expansion (Non-Residential)		X							
Construction of less fewer than 10 multi-family dwelling units	X				X				
Construction of non-residential building footprint less than 4,000 2,000 square feet		X							
Expansion to the building footprint of an existing residential dwelling (principal structure)	X								
Construction of a single family dwelling on existing lot.	X				X				
Creation of 5 or fewer single-family residential lots	X								
Category 2B									
Construction of 10 or more off-street parking spaces		X			X	X			
<u>Construction of 10-16 multi-family residential dwelling units</u>	X		X		X	X	X	X	
Construction of non-residential/mixed use building footprint between 4,000 2,000-5,000 square feet		X	X	X	X	X			
Category 3									
Creation of more than 5 residential lots	X				X	X	X		
Construction of 40 17 or more multi-family residential dwelling units	X		X		X	X	X	X	
Creation of more than 5 non-residential lots		X		X	X	X	X		
Construction of non-residential/mixed use building footprint between 5,001 – 30,000 square feet		X	X	X	X	X	X		
Construction of non-residential/mixed use building footprint in excess of 30,000 sf.		X	X	X	X	X	X		X